

### **REMARKS**

Claims 9-17 are currently pending in the present application, wherein Applicants propose to amend claims 9, 13, 15, and 16 to more clearly define the present invention and to add new claim 17. Applicants respectfully submit that independent claims 9 and 15-17 and dependent claims 10-14 stand in condition for allowance. No claims have been canceled as a result of this response.

At the outset, Applicants note with appreciation the courtesy provided to Applicants' representatives during the Interview conducted on June 30, 2008. As noted in the Examiner's Interview Summary, during the Interview Applicants' Representatives presented arguments regarding the distinctions between the claimed invention and the cited references. The Examiner agreed to look further into the '103 reference regarding the use of characteristic points.

#### **I. Claim Rejections Under 35 U.S.C. § 112**

The Office Action rejects claims 9-16 under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. This rejection is respectfully traversed.

Specifically, the Examiner alleges that the claims contain subject matter which was not described in the specification in such a way as to enable one of ordinary skill in the art to which it pertains or with which it is most nearly connected, to make and/or use the invention.

As discussed during the Interview, it is important that the phrase "impossible to be interpolated" not be taken out of context as the claim recites "impossible to be interpolated by a process for converting image data which is to be performed" (claim 9). Although Applicants believe that there is sufficient disclosure to enable the claimed invention as originally claimed, in order to expedite prosecution and allowance of the present application, Applicants propose to amend claims 9, 15, and 16 to more clearly recite that characteristic points are those points which are impossible to be interpolated *by* a process which is to be performed. Such support may be found throughout the Specification including page 9, second paragraph beginning at line 8 and page 11, second paragraph beginning at line 9, for example. Accordingly, Applicants

respectfully request the withdrawal of the rejection of claims 9-16 under 35 U.S.C. § 112, first paragraph.

Claim Rejections Under U.S.C. § 103

The Examiner has rejected claims 9-16 under 35 U.S.C. § 103(a) as being unpatentable over Bhattacharjya (U.S. Patent No. 5,809,213), hereinafter the '213 patent in view of Horikawa (U.S. Patent No. 5,744,130) hereinafter the '130 patent. This rejection is respectfully traversed.

As Applicants have repeatedly asserted the '213 patent fails to make any disclosure that the measured or augmented sample points are characteristic points as claimed. Quite to the contrary, and as previously asserted, the '213 patent discloses a method and apparatus of applying “a nonlinear interpolation technique to a relatively small number of *measured sample values* generated from the color image patches to provide a color look-up table having a larger number of calibration value stored therein” (Abstract).

The mere fact one or more of the measured or augmented sample points may, *in arguendo*, be a characteristic point as claimed is not equivalent to disclosing that the look-up table contains only characteristic points. The '213 patent discloses measuring points and creating an augmented set of points through interpolation, this is *not* what the present invention is claiming. The '213 patent does *not* determine the minimal number of points needed to convert supplied image data into output image data *nor* does the '213 patent determine sample points based on some type of criteria above substantially equally spaced patches. Therefore, a look-up table solely composed of characteristic points does not flow from the disclosure of the '213 patent.

In addition, the secondary reference applied under § 103, that is the Horikawa reference or the '130 patent, fails to make-up what is lacking with regards to the '213 patent to render the claimed invention as recited in claims 9-16 obvious. That is to say that the '213 patent has been applied in combination with the '130 patent, and the '130 patent either in combination or exclusively, fails to render the claimed invention obvious. More specifically, the Examiner allegedly asserts that '130 patent discloses assigning characteristic points where a curve changes more than a threshold angle (FIG. 4a and 4b) so that one can perform interpolation between the points (col. 4, lines 33-44). However, the '103 patent, like the '213 patent fails to disclose

determining the minimal number of points needed to convert supplied image data into output image data i.e., a lookup table consisting of characteristic points as claimed.

The '130 patent is concerned with image model processing and not with a color management system or color correction method. Furthermore, the '130 patent does not disclose that the characteristic points are determined based on a process to be performed. To the contrary, the '130 patent teaches that the "characteristic points denote portions which the human observer strongly perceives for such a shape" (Column 5, lines 34-36). Accordingly, the system of '103 patent does not necessarily consists of all the characteristic points. For example, Fig. 4B of the '130 patent does not contain all of the characteristic points and only contains selective points outside of a defined threshold. In fact, the computer animation modeling system overlooks a number of points based on the desired resolution, whereby a data point may be wholly discounted.

Also, the '130 patent does not mention any table that is constructed of characteristic points. In fact, it appears that the '130 patent uses the entire amount of data, the input geometric model (S1) which is spatially filtered (S2) and the outline is extracted (S3) to extract points (S4) (Column 2, lines 53-64). "The hierarchical approximated models obtained are stored into the RAM (15) together with the original geometric model" (Column 9, lines 34-35).

The '213 patent and the '130 patent fail to teach or suggest color characteristic data that includes "a lookup table which is composed of characteristic points which are points indicating the relationship between supplied image data and output image data which are determined to be impossible to be interpolated" by a process for converting image data which is to be performed (claims 9 and 17).

For at least the reasons above, claims 15 and 16 and new claim 17 are similarly allowable. Therefore, Applicants respectfully assert that the combination of the '213 patent with the '130 patent is flawed for at least the basis that both the '213 and the '130 patent fail to render Applicants' claimed invention obvious for failing to meet the burden under a *prima facie* case under § 103. The '213 patent in view of the '130 patent fail to teach or suggest each and every claimed element. Therefore, Applicants respectfully request the withdrawal of the rejection of claims 9-16 under § 103 over the '213 patent in view of the '130 patent.

Therefore, Applicants respectfully submit that dependent claims 10-14 are allowable for at least the same reasons as provided for independent claims 9 and 15-17, as well as for the additional limitations recited therein.

### III. Conclusion

All matters having been addressed in view of the foregoing, Applicants respectfully request the entry of this Amendment, the Examiner's reconsideration of this application, and the immediate allowance of all pending claims.

Applicants' undersigned representative remains ready to assist the Examiner in any way to facilitate and expedite the prosecution of this matter. If any point remains an issue in which the Examiner feels would be best resolved through a personal or telephone interview, please contact the undersigned at the telephone number listed below

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.147; particularly, extension of time fees.

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